

# National NAGPRA Program FY 2012 Midyear Report

Prepared for the NAGPRA Review Committee,  
46<sup>th</sup> meeting, May 9-10, 2012 – Santa Fe, New Mexico

## Introduction

*This report covers activities of the National NAGPRA Program up to March 31, 2012, just prior to the Review Committee meeting. All statistics reported are current as of close of business, March 31, 2012, the mid-point of the fiscal year 2012, unless otherwise noted. Regular reports on National NAGPRA's work are available on the program's Website: <http://www.nps.gov/nagpra/DOCUMENTS/INDEX.htm>.*

The Native American Graves Protection and Repatriation Act (NAGPRA) was enacted on November 16, 1990, to address the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations in Native American cultural items, including human remains, funerary objects, sacred objects, and objects of cultural patrimony. The Act assigned oversight and other responsibilities to the Secretary of the Interior. The National NAGPRA Program provides staff support for these responsibilities, including:

- Publishing notices for museums and Federal agencies in the Federal Register,
- Creating and maintaining databases, including the Culturally Unidentifiable Human Remains Inventories (CUI) Database,
- Making grants to assist museums, Indian tribes, and Native Hawaiian organizations in fulfilling the NAGPRA compliance process,
- Assessing civil penalties on museums that fail to comply with the requirements of the Act and the regulations,
- Providing staff support to the NAGPRA Review Committee and for the Review Committee's Annual Report to Congress,
- Providing technical assistance to Federal agencies when discoveries of cultural items on Federal and Indian lands occur,
- Promulgating regulations to implement NAGPRA, and
- Providing technical assistance through training, website postings, reports prepared for the Review Committee, law enforcement investigation support, and individualized guidance.

The National Park Service's NAGPRA compliance for the National Park system operates separately from the National NAGPRA Program. As National NAGPRA is the omnibus program, its constituent groups are all Federal agencies, museums that receive Federal funds, Indian tribes (tribes), Native Hawaiian organizations (NHOs), and the public.

## Overview of Nationwide NAGPRA Implementation

Thus far in fiscal year 2012, several observations may be made. In brief they are:

- Museums and Federal agencies, in consultation with tribes and NHOs, continue to be very active in NAGPRA compliance, as evidenced by the number of NAGPRA notices published in the Federal Register. Publication of notices in FY 2012 is up 80% over this time last year. Submissions are up 50% over this time last year. The total cumulative number of published notices likely will be 2,200 in the near future. Published notices allow the transfer of the human remains of over 42,000 Native American individuals to occur.
- In this report and all future reports, the number of Native American individuals for whom transfer of control has passed from museums or Federal agencies to tribes or NHOs is reported. Museums report these numbers on a voluntary basis, so their numbers are likely to be understated. Federal agencies are required to report their numbers annually, in response to a recommendation made in the July 2010 GAO report on Federal agency NAGPRA compliance, since September 30, 2011.
- Only about one-fourth of the Native American individuals represented in published notices are reported as having been transferred to tribes and NHOs. Barriers to transfer vary, and are known only anecdotally at this time, but as a result of increased reporting, by year's end such barriers might be better understood and addressed systematically.
- Tribes and museums report lack of funds as a barrier to NAGPRA consultation and compliance.
- Grant funds available for project awards remain a fraction of the total requested. Notably, requests for repatriation grants to fund transfer of control have increased by 300% over the last few years. These noncompetitive awards are made prior to the apportionment of funds for competitive project grants. A research report is underway to assist the Review Committee in understanding specific financial needs of tribes and museums as reported in grant requests.
- The National NAGPRA Program provides web accessible databases for all compliance documents, including CUI inventories, Culturally Affiliated (CA) inventories, Summaries, Federal Register notices, Notices of Intended Disposition for Federal Agency action, and the Native American Consultation contact lists, as well as maps and other aides to consultation. Records are continually being added and checked against originator records to refine, update, and audit information. Open access to information on these databases had led to increased communication between museums and Federal agencies on collections responsibilities, the updating of records for better data quality, and has supported consultation in which thousands of Native American human remains previously determined to be culturally unidentifiable have been included in notices either because they were subsequently determined to be culturally affiliated, or because their directed disposition was addressed under the CUI rule, at 43 CFR 10.11, which became final in 2010.
- The Summaries Digitization Project, which started at the beginning of fiscal year 2011, is over 90% complete. This project includes an overall audit of recorded data to increase accuracy.

# National NAGPRA Program FY 2012 Statistics as of March 31

The following are FY 2012 mid-year statistics in brief.

- **Summaries received:** 1,578 total, 464 reporting no collection requiring a summary
- **Inventories received:** 1,345 total, from 1,187 institutions, 270 reporting no collection
- **Notices of Inventory Completion:**
  - 54 published in FY 2012, 1,542 published in total
  - account for 42,907 human remains and 1,025,443 associated funerary objects
- **Notices of Intent to Repatriate**
  - 26 published in FY 2012, 571 published in total
  - account for 207,683 unassociated funerary objects, 4,383 sacred objects, 967 objects of cultural patrimony, 1,257 objects both sacred and patrimony, and 292 undesignated
- **Notices of Intended Disposition** (Federal Agency newspaper notices of new discoveries)
  - 111 Notices reported for 978 minimum number of individuals, 8,708 associated funerary objects, 64 unassociated funerary objects, and 3 objects of cultural patrimony
- **Notice processing FY 2012:**
  - 94 received, 80 published
  - aging drafts (pre-2007) 17 remaining
- **Culturally Unidentifiable Native American Human Remains (CUI):**
  - Found in 738 inventories, from 675 institutions
  - 126,496 minimum number individuals (MNI), 936,642 associated funerary objects (AFO)
  - 5,715 MNI total subsequently culturally affiliated to date
  - 4,472 MNI total transferred as CUI dispositions
- **Culturally Affiliated Native American Human Remains:**
  - Found in 538 inventories, from 452 institutions
  - 54,834 MNI, 1,219,510 AFO
- **Total MNI Reported in NAGPRA:** CUI 126,496 + CA 54,834 – CA/ former CUI 5,715 = **175,615 MNI**
- **Grants:**
  - Requested -\$2.5M in project grants; Awarded-\$82,874 thus far in repatriation grants
  - 6 repatriation grants awarded
- **Civil Penalties:**
  - Thus far in FY 2012, 1 alleged count, against 1 museum, investigated; to date, a total of 170 alleged counts in 33 allegation letters, against 29 museums, investigated
  - Thus far in FY 2012, 1 alleged count substantiated; a total of 22 counts substantiated (12.9 %)
  - Thus far in FY 2012, 0 alleged counts unsubstantiated; a total of 148 counts unsubstantiated (87.1%)
  - Thus far in FY 2012, 7 allegation letters of failure to comply, against 9 museums, received
  - Thus far in FY 2012, \$0.00 in penalties collected; a total of \$42,679.44 in penalties collected
  - As of March 31, 2012, 15 of the museums investigated had failed to comply on at least one count (51.7%)
- **Review Committee:**
  - Meeting November 8-9, 2011, in Reno, NV
- **NAGPRA Regulations 43 CFR 10:**
  - 10.7 Unclaimed – proposed rule under review at OMB prior to publication
  - 43 C.F.R. Part 10 Minor amendments – proposed rule scheduled publication April 18, 2012
  - 43 C.F.R. Part 10 revised- under development
- **Technical Assistance and Reports: Training** to 415 participants in 13 events

## Collections

The sections of NAGPRA relating to collections describe the inventories, summaries, notices, grants, civil penalties and the Review Committee which further affects the administration of the law.

### Inventories/Summaries/Notices

NAGPRA requires Federal agencies and museums that receive Federal funds to inventory collections of Native American human remains and associated funerary objects in consultation with potentially affiliated tribes. Inventories are itemized lists, submitted to the National NAGPRA Program containing cultural affiliation decisions of agencies and museums, one inventory for those individuals for whom cultural affiliation can be determined (CA) and one inventory for those individuals for whom cultural affiliation cannot be determined (CUI). Inventories are then divided into Notices of Inventory Completion (NIC), usually by tribes or by site, for publication in the Federal Register. It is the publication of the notice that establishes the rights of the tribe to request repatriation of culturally affiliated human remains, or disposition of culturally unidentifiable human remains. An NIC is not claims based. An NIC does not presuppose which of the listed tribes will ultimately request the human remains and receive transfer of control.

As of March 31, 2012, National NAGPRA received 1,073 inventories from 1,006 institutions (608 museums and 398 Federal agency units). Of these, 538 contain decisions as to cultural affiliation of Native American human remains, and 738 contain listings of culturally unidentifiable Native American human remains. Note: There may be duplication of reporting for collections as the law directs those museums with possession or control of collections to submit an inventory and several museums may have collections belonging to Federal agencies, where both the museum and federal agency submitted an inventory. Statements of “no inventory required” have been received from 135 museums and 129 Federal agency units.

Prior to repatriating human remains and associated funerary objects, museums and Federal agencies must publish a Notice of Inventory Completion (NIC) in the Federal Register. Fifty-four (54) such notices were published between October 1, 2011 and March 31, 2012, for a total of 1,542 published NICs, accounting for 42,907 human remains and 1,025,443 associated funerary objects.

The rule for disposition of culturally unidentifiable Native American human remains in CUI inventories became final in March 2010, 43 CFR 10.11. Twenty-nine (29) such notices were published between October 1, 2011, and March 31, 2012. The total number published under this rule is now 58 Notices of Inventory Completion, accounting for, at minimum, 772 individuals (MNI) and 971 associated funerary objects (AFO).

Summaries of the remainder of the Native American collections in the possession or control of Federal agencies and museums generally describe the Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony which inform consultation of museums and Federal agencies

with tribes on repatriation. The Federal agency or museum is not expected to know, or make a decision in the summary, on whether the items in the summary will be NAGPRA items. Consultation occurs with interested tribes and culminates in a claim. Decisions to effectuate repatriation of unassociated funerary objects, sacred objects, and objects of cultural patrimony are reflected in the published Notices of Intent to Repatriate (NIR). An NIR is claims-based.

As of March 31, 2012, National NAGPRA received summaries from 792 museums. Summaries have been received from 317 Federal agency units. Statements of “no summary required” have been received from 108 museums and 355 Federal agency units.

Prior to repatriating unassociated funerary objects, sacred objects, or objects of cultural patrimony, museums and Federal agencies must publish a Notice of Intent to Repatriate in the Federal Register. Twenty-six (26) such notices were published between October 1, 2011 and March 31, 2012, for a total of 571 published Notices of Intent to Repatriate, accounting for 207,683 unassociated funerary objects, 4,383 sacred objects, 967 objects of cultural patrimony, and 1,257 sacred objects/objects of cultural patrimony.

There is a continuing obligation to comply with NAGPRA. Museums and Federal agencies receiving a new collection, or having collections of new Indian tribes, are to prepare or update inventories within 2 years and summaries within 6 months. If the museum receives Federal funds for the first time, summaries are due in 3 years and inventories in 5 years.

For more information on inventories and summaries, contact Mariah Soriano ([msoriano@nps.gov](mailto:msoriano@nps.gov)). For more information on notices, contact Melanie O’Brien ([Melanie\\_O'Brien@nps.gov](mailto:Melanie_O'Brien@nps.gov)).

### Grants

There are two types of NAGPRA grants awarded to museums and tribes. Competitive grants provide up to \$90,000 to fund projects for consultation on the identity and cultural affiliation of items. Grants of up to \$15,000 each are awarded on a non-competitive basis throughout the year to cover costs of repatriation.

For FY 2012, the grant application deadline for consultation/documentation grants was March 6, 2012. Repatriation grants are received on a rolling basis. Thus far this year a total of 41 grants applications have been received: 33 consultation/documentation proposals and 8 repatriation funding requests. Of these, 23 are from Indian tribes and Native Hawaiian organizations and 18 are from museums. The total amount of the requests for grants thus far is \$2,570,488.

Grant applications for consultation/documentation projects are reviewed by an outside panel. The grants panel is scheduled to meet May 17-18, 2012. Each applicant will receive an individualized letter from the Grants Coordinator containing the feedback obtained from the panel to assist applicants in preparing better grant proposals in the future and in administering successful projects. The priority list for funding projects will be forwarded to the Assistant Secretary for Fish and Wildlife and Parks, who will make the awards to the tribes and museums. Awards will likely be made in July.

Approximately one half of FY 2009 grantees have extended their grants in order to meet their grant obligations. FY 2010 grantees are scheduled to close out their grants by June 30, 2012, however typically many will request extensions in order to accommodate delays in scheduling consultations. The final report form was modified in 2008 to request quantitative and qualitative data regarding the number of notices, repatriations, trainings and community partnerships resulting from the grant project. A report based on data collected from 2007 grants is near completion and will allow the NAGPRA grants program to better assess the impact of grants on efforts to implement the NAGPRA process.

The National NAGPRA Program Grants Coordinator offers assistance to grant recipients, starting with project development, then through the application process, and all the way to project completion. For more information on grants, contact Sangita Chari, Grants Coordinator, National NAGPRA, ([Sangita\\_Chari@nps.gov](mailto:Sangita_Chari@nps.gov)).

### Civil Penalties

The civil penalties rule (43 C.F.R. 10.12) was published in 1997 as an interim rule, and in 2003 as a final rule. In May 2005, the Secretary of the Interior issued a Secretarial Order placing responsibility for civil penalties within the National NAGPRA Program to provide staff support to the Assistant Secretary for Fish and Wildlife and Parks. Beginning in FY 2006, the NAGPRA Civil Penalty Coordinator, who serves in the National NAGPRA Program, and a National Park Service law enforcement agent began working as a team to provide staff support to the Assistant Secretary. Since November 2010, the civil penalty law enforcement agent role has gone unstaffed. In FY 2012, the National NAGPRA Program hired an independent contractor, Shannon Keller O'Loughlin, Esq., to analyze and summarize the alleged counts that are outstanding.

In the first half of FY 2012:

- 7 letters alleging museum failure to comply, against 9 museums, were received
- 1 count of alleged failure to comply was investigated, and was found to be substantiated

For more information on civil penalties, contact David Tarler, Enforcement Coordinator, National NAGPRA, ([David\\_Tarler@nps.gov](mailto:David_Tarler@nps.gov)).

### Review Committee

During FY 2012, the members of the Native American Graves Protection and Repatriation Review Committee are: Sonya Atalay, Alexander Barker, LindaLee (Cissy) Farm, Eric Hemenway, Adrian John, Rosita Worl, and Mervin Wright, Jr. For background information on the new members, go to [www.nps.gov/nagpra](http://www.nps.gov/nagpra).

The current, two-year Review Committee charter (November 2010 – November 2012) does not include a holdover provision for Review Committee members whose terms have expired, but who have not been replaced or reappointed. Consequently, the prompt filling of expired terms is critical.

On November 8-9, 2011, the Review Committee met at the National Judicial College, in Reno, NV. The minutes and transcript of the meeting can be found at [www.nps.gov/nagpra](http://www.nps.gov/nagpra). Notices of the meetings scheduled for May 9-10, 2012, at the La Fonda on the Plaza hotel, in Santa Fe, NM, and November 28-29, 2012, at the National Museum of the American Indian of the Smithsonian Institution, in Washington, DC, were published in the Federal Register on November 8, 2011 and February 10, 2012, respectively. Meeting notices, agendas and meeting materials for upcoming meetings are posted on the National NAGPRA Program website. Minutes of past meetings remain on the website indefinitely. Only the transcript of the immediate past meeting appears on the website due to file size. Copies of past meeting transcripts may be obtained from the National NAGPRA Program, at [NAGPRA\\_info@nps.gov](mailto:NAGPRA_info@nps.gov).

Sherry Hutt serves as the Review Committee's Designated Federal Officer. The DFO complies with all filings required by the Federal Advisory Committee Act (FACA). For more information on the Review Committee, contact Sherry Hutt, Designated Federal Official ([Sherry\\_Hutt@nps.gov](mailto:Sherry_Hutt@nps.gov)).

## **Excavations and Discoveries**

NAGPRA requires that the ownership or control of Native American cultural items, which are excavated and removed from Federal or tribal lands after November 16, 1990, be subject to disposition in a priority order specified in the Act.

National NAGPRA has responsibilities under the excavations and discoveries section of the law to maintain the records of notices of intended disposition published twice in newspapers by the land-manager.

To date 111 pairs of notices have been published, an increase of six (6) pairs of notices during FY 2012. Agencies are required to update the National NAGPRA Program on their dispositions. A database of these notices is available at: <http://grants.cr.nps.gov/nid/index.cfm>

## **Program Databases**

The Program continues to review and to update summary and inventory records submitted by museums and Federal agencies. This includes but is not limited to reconciling records to notices and updating the culturally unidentifiable records subsequently amended to culturally affiliated. The most current project underway, which began in April 2011, is digitization of NAGPRA summaries. Thus far, 839 summaries have been scanned and this process is over 90% complete. Once a summary is scanned, it is reviewed for



completeness, and the tribes that were sent a copy of the summary are entered into the Summaries Database. These records will then be uploaded in [IRMA, Integrated Resource Management Applications](#), a central web-based “one-stop” portal that provides public access to these records. It is the aim of the program to link these records to the Summaries Database in the future. Under the supervision of the Database Coordinator, this project is being accomplished with the assistance from Alayna Rasile, Compliance Document Specialist.

#### Culturally Unidentifiable Human Remains Database

As part of providing administrative support for the Review Committee, National NAGPRA has compiled the Review Committee’s inventory of culturally unidentifiable (CUI) human remains, as required by 25 U.S.C. 3006 (c)(5). National NAGPRA has entered 738 inventories from 675 institutions containing determinations of culturally unidentifiable Native American human remains accounting for 121,193 individuals for whom cultural affiliation has not yet been determined and 816,692 funerary objects associated with those individuals, from an initial reported CUI population of 126,496.

The number of CUI subsequently culturally affiliated to date is 5,715 and the number of CUI transferred by a disposition to a tribe is 4,472 thus far in FY 2012. Notices of Inventory Completion for disposition are published upon receipt of Secretarial authorization to allow 30 days for competing claims to be lodged prior to transfer of control.

#### Culturally Affiliated Human Remains Database

In 2010, National NAGPRA launched the Culturally Affiliated Inventories Database. The database is offered to support consultation efforts and provide information that may assist in the cultural affiliation of Native American human remains listed on the database of culturally unidentifiable Native American human remains. Many of the Native American human remains described in the database have been culturally affiliated as a result of consultation with tribes and Native Hawaiian organizations. All individuals on this database should be represented in a Notice of Inventory Completion. Thus far in FY 2012, the database includes 538 inventories and accounts for 54,834 Native American human remains and 1,219,510 associated funerary objects inventoried by 452 museums and Federal agencies.

#### Summaries Database

The Summaries database provides the name of the tribe(s) that were sent a copy of a summary from the museum or Federal agency. Not all summaries were submitted as itemized lists and those summaries that identified objects are not responsible for identifying a NAGPRA category. Summaries and the information in the database are designed to support consultation.

#### Notices of Intended Disposition Database

This notice database completes the disclosure and public access of the NAGPRA compliance documents for public use, with new discovery information. The Federal agency official sends copies of published Notices of Intended Disposition to the National NAGPRA Program, and this information is entered into the database.



### Native American Consultation Database (NACD)

The NACD is a tool to identify a current official contact for Indian tribes, Alaska Native villages and corporations, and Native Hawaiian organizations. Names and addresses of tribal leaders are entered from the [Bureau of Indian Affairs Tribal Leaders Directory](#). Maps showing the location of [Indian reservations](#), [Indian land claims](#), and [military bases](#) are available to provide information that can be used during consultation.

### Notices of Inventory Completion (NIC) Database

The NIC Database is a searchable library of published Federal Register notices pertaining to Native American human remains and associated funerary objects.

### Notices of Intent to Repatriate (NIR) Database

The NIC Database is a searchable library of published Federal Register notices pertaining to Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony.

For more information on data collection and reporting capabilities contact, Mariah Soriano ([msoriano@nps.gov](mailto:msoriano@nps.gov)).

## **Regulations**

As of March 30, 2012, there are three regulatory items in process:

- a. Proposed rule reserved at 43 CFR 10.7, concerning the disposition of unclaimed Native American human remains discovered on Federal land after November 16, 1990. The draft proposed rule is under review at the Office of Management and Budget, prior to publication. Upon publication, there will be a comment period, followed by publication as a final rule.
- b. Minor (technical) amendments to 43 CFR Part 10. The draft proposed amendments are under review at the Department of the Interior, prior to publication. Publication of the proposed minor amendments will include an opportunity for comment before the amendments are published as final.
- c. Review and substantive amendments to 43 CFR Part 10. The initial NAGPRA regulations were promulgated in 1995. Since that time the National NAGPRA Program has been told of problematic aspects of the regulations by attorneys at the Department of the Interior and the Department of Justice, and numerous constituents of NAGPRA. Purported problems include certain ambiguities, a lack of definition or clarity on the compliance process, and a lack of clear timelines to guide compliance. Confusion and lack of guidance in the regulations have been identified as barriers to successful implementation of the NAGPRA compliance process, or in the worst case, a precursor to litigation. During a pre-rule-making, review phase, the National NAGPRA Program gathered input from NAGPRA communities. On March 25, 2011, National NAGPRA conducted a telephonic,

government-to-government meeting with Indian tribes to receive input on whether any of the regulations codified at 43 CFR Part 10 should be amended. Notice of the meeting was accomplished by direct mail to the tribes. There were 73 representatives of 52 tribes on the call and eight (8) presentations. On May 19, 2011, a public, telephonic meeting was held to provide anyone who wished with an opportunity to provide input on the NAGPRA regulations. Notice of the call was made to about 2,000 addresses on the National NAGPRA Program's email list and through a posting on the National NAGPRA Program website. There were 137 participants on the call and 12 presentations. Comments were solicited from Federal agencies at a meeting on March 24, 2011. That meeting was comprised of those NAGPRA coordinators assigned such duties by their Federal agency. Notice of the meeting was given by individual email. The Federal agency NAGPRA coordinators were given a background on the anticipated review by Department of the Interior attorneys, and were invited to submit comments of their agency for transmission to the NAGPRA Review Committee. Discussion of the review of the published rules was on the agenda of the June 21-22, 2011 meeting of the Review Committee, in Syracuse, NY. For that meeting, the National NAGPRA Program provided the Review Committee with a report summarizing the input received, and posted the summary report on the National NAGPRA Program website. Should any proposed rules ultimately be published in the Federal Register, there will be an opportunity for comment on the rules as proposed.

For more information on regulations, contact David Tarler, Program Officer, National NAGPRA, ([David\\_Tarler@nps.gov](mailto:David_Tarler@nps.gov)).

## **Technical Assistance**

The National NAGPRA Program recognizes the importance of providing regular and accessible NAGPRA training to help further understand the statute and regulations, and the requirements of the NAGPRA compliance process. National NAGPRA also seeks to raise public awareness of NAGPRA and NAGPRA compliance responsibilities through a variety of outreach activities.

## **Training**

National NAGPRA offers both general and specialized NAGPRA training, with an emphasis on quality, accessibility, and cost-effectiveness. In this reporting period National NAGPRA has partnered with the National Preservation Institute to provide training open to all tribes, museums, Federal agencies and the public. National NAGPRA also provides specialized training designed to address particular NAGPRA implementation issues as requested by a host tribe, museum, or Federal agency. Training has been offered as part of larger conferences and as independent sessions of one to three days in length.

Public training was conducted on November 7, 2011, prior to the Review Committee meeting in Reno, NV. The next general training will be given on May 8, 2012, in Santa Fe, NM, just prior to the Review Committee meeting there.

### Training and Outreach:

- Training in FY 2012: October 1, 2011 – March 31, 2012

DATE	STATE	SPONSOR & TITLE	# ATTENDED
Oct. 17-20	AZ	Departments of the Interior, Justice, and Homeland Security: "Cultural Property: Criminal and Civil Enforcement Seminar"	30
Oct. 25	CA	National Preservation Institute (NPI): "NAGPRA: Summaries, Inventories, and Federal Register Notices" and "NAGPRA: Accessing and Utilizing the Databases"	27
Oct. 25	webinar	National NAGPRA Program: "NAGPRA Grants Administration"	49
Oct. 26	CA	NPI: "NAGPRA: Determining Cultural Affiliation"	26
Oct. 27	SC	Southeastern Museums Conference, Annual Meeting: "De-Mystifying the Native American Graves Protection and Repatriation Act"	21
Nov. 7	NV	National NAGPRA Program: "NAGPRA Basics"	68
Dec. 6	webinar	National NAGPRA Program: "Applying for a FY 2012 NAGPRA Grant"	21
Feb. 2	webinar	National NAGPRA Program: "Complying with Section 3 of NAGPRA on Tribal Land"	49
Feb. 14	DC	United South and Eastern Tribes: "Current Issues" in NAGPRA"	35
Feb. 22	DC	American University, Washington College of Law: Class presentation: "ARPA and NAGPRA Enforcement"	12
March 7-8	MT	Bureau of Indian Affairs & Tribal Historic Preservation Officers: "NAGPRA and Tribal Code"	25
March 21	DC	American University, Washington College of Law: Class presentation: "Legal Issues in NAGPRA"	12
March 22	webinar	National NAGPRA Program: "What Difference Does It Make?: NAGPRA Inventories, Summaries, and Federal Register Notices"	40

For the period October 1, 2011--March 31, 2012, National NAGPRA has provided training to 415 individuals in 13 training events.

For more information on National NAGPRA training, see <http://www.nps.gov/nagpra/training>, or contact David Tarler, ([David\\_Tarler@nps.gov](mailto:David_Tarler@nps.gov))

### Social Media

The Program has developed a YouTube National NAGPRA Channel as a means to make the NAGPRA Training Video Series, eight video segments developed in 2010, available to the public on demand. It is currently in the process of being government-branded channel. Once the conversion takes place, the Channel will be launched publicly featuring all eight video segments. Topics range from grant-writing tips, explanation of the Review Committee, notices, civil enforcement, consultation, decision-making and first-person narratives on the development of NAGPRA, program statistics, anecdotal evidence, and in-depth engaging coverage of the entirety of the law and its consequences.

### Outreach

NAGPRA strives to maintain an exemplary standard of responsiveness to inquiries from the public and the media. National NAGPRA monitors two public e-mail addresses, [NAGPRA\\_Info@nps.gov](mailto:NAGPRA_Info@nps.gov) and [NAGPRA\\_Grants@nps.gov](mailto:NAGPRA_Grants@nps.gov). Both e-mail addresses provide an effective way for members of the public to direct inquiries to the program. The redesigned National NAGPRA Website also features a “Press” page, with links to documents on the Website available for use as background by members of the media. All National NAGPRA staff respond to telephone inquiries from the media, tribes, museums, Federal agencies and the public and provide technical information. On request, National NAGPRA Program staff have facilitated training discussions on focused points in the NAGPRA process to assist multiple parties who have reached an impasse in their negotiations. The key to value in these discussions is the participation of all parties to the issue. National NAGPRA is neutral and does not offer an opinion of actions, but rather, clarifies the process so that the parties can best work together.

### Website

The National NAGPRA Website (<http://www.nps.gov/nagpra>) continues to be the program’s primary medium for electronic communication. The website provides an opportunity to supply training and technical guidance on a range of NAGPRA matters. Additional items are under development, including a redesign of frequently asked questions and web posting of training materials and video training.

For more information about the National NAGPRA website, contact Mariah Soriano, National NAGPRA Program Officer at [msoriano@nps.gov](mailto:msoriano@nps.gov).

## Illegal Trafficking

NAGPRA provides criminal penalties for violations of 18 U.S.C. 1170, Illegal Trafficking in Native American Human Remains and Cultural Items. The cases are investigated by Federal law enforcement agents and handled by the United States Attorney's offices throughout the country. National NAGPRA offers training for attorneys and agents and provides technical assistance upon request. For more information on cultural property law and enforcement, contact David Tarler ([David\\_Tarler@nps.gov](mailto:David_Tarler@nps.gov)).

### **This report is submitted by the National NAGPRA Program:**

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Kim Spurr

Attachments:

Notices of Intended Disposition (Federal Land Excavations)  
Notice Publication by Fiscal Year, FY 1992- mid-year FY 2012  
Notices Using 10.11, the Disposition of Culturally Unidentifiable Native American Human Remains  
Repatriation Statistics

### Notices of Intended Disposition (Federal Land Excavations)

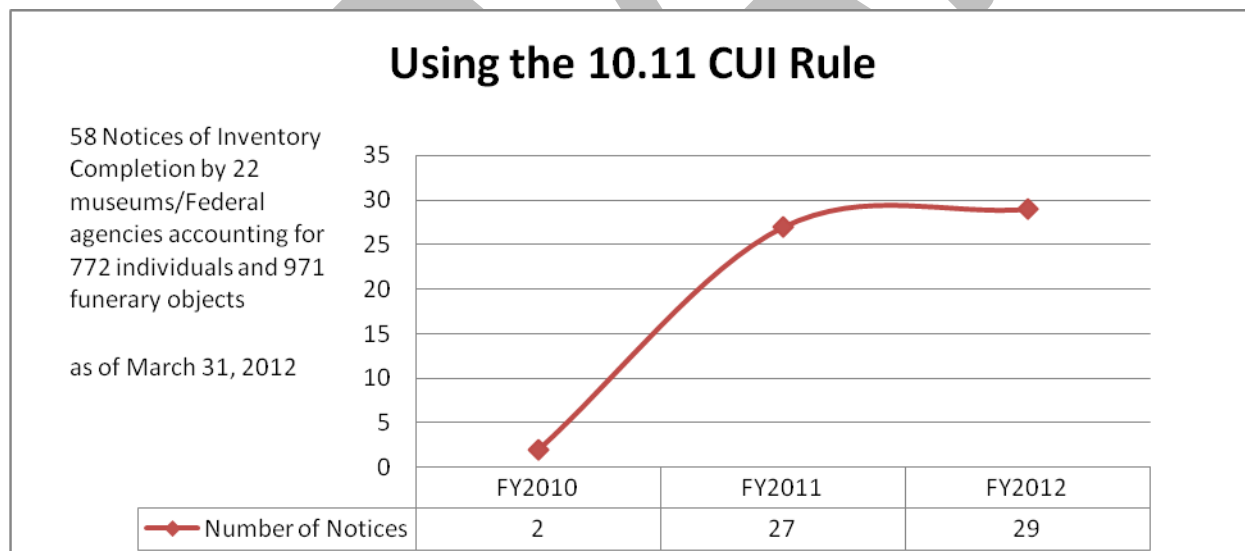
	Published	MNI	AFO	UFO	SO	OCP	SO & OCP
<b>Total:</b>	111	978	8,708	64	0	3	0

### Notice Publication by Fiscal Year (Collections) – FY 1992 to mid-Year FY 2012

Year	Published	MNI	AFO	UFO	SO	OCP	SO & OCP	UCI	Rec'v
1992	2	15	12,225	0	0	0	0		3
1993	14	40	60,071	0	1	0	7		14
1994	13	1,851	271	31,681	1	1	1		19
1995	36	806	18,710	6	243	3	4		37
1996	59	2,292	116,002	32	91	17	10		198
1997	122	1,194	49,392	5,061	116	67	92		187
1998	82	5,280	31,082	2,484	14	62	165		202
1999	108	6,437	31,263	680	106	70	78		156
2000	110	2,027	21,982	3,245	552	11	28		186
2001	199	2,959	167,247	25,583	6	25	5		130
2002	143	3,157	20,011	5,903	110	3	121		109
2003	85	666	31,393	1,195	101	4	135		83
2004	103	1,524	13,851	14,294	37	9	13		63
2005	108	2,355	60,349	1,986	2,183	3	5		77
2006	100	1,373	36,045	10,303	9	6	45		96

2007	108	747	15,619	27,036	28	22	64	215	135
2008	180	3,730	85,955	7,962	173	78	33		146
2009	200	2,204	227,854	6,712	532	567	16	77	159
2010	152	1,632	9,063	2,052	11	10	388		140
2011	109	1,724	13,416	2,757	18	6	44		130
3/31, 2012	<b>80</b>	<b>1,999</b>	<b>2,371</b>	<b>58,700</b>	<b>51</b>	<b>3</b>	<b>3</b>		94
Total	<b>2,113</b>	<b>42,907</b>	<b>1,025,443</b>	<b>207,683</b>	<b>4,383</b>	<b>967</b>	<b>1,257</b>	<b>292</b>	2,367

#### Notices Using 10.11, the Disposition of Culturally Unidentifiable Native American Human Remains





## Repatriation Statistics

Repatriation to Tribes on Notices of Inventory Completion as reported\* to the National NAGPRA Program:

Agency	MNI Repatriated	AFO Repatriated
Museums	895	11961
Federal Agencies	8987	656644
<b>Total</b>	<b>9882</b>	<b>668605</b>

\*required by federal agencies; voluntarily by museums